

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REXON INDUSTRIAL CORPORATION, LTD.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-CV-30180-MAP
)	
PORTEX-CABLE CORPORATION,)	
DELTA INTERNATIONAL MACHINERY)	
CORP. and PENTAIR, INC.,)	
)	
Defendants.)	
)	
BLACK & DECKER INC.,)	
BLACK & DECKER (U.S.) INC. and)	
PORTEX-CABLE CORPORATION,)	
)	
Plaintiffs-in-Counterclaim,)	
)	
v.)	
)	
REXON INDUSTRIAL CORPORATION, LTD.)	
and REXON USA, CORP.)	
)	
Defendants-in-Counterclaim.)	

**PLAINTIFFS' MOTION TO COMPEL
SUPPLEMENTAL INTERROGATORY RESPONSES FROM REXON**

Pursuant to Fed.R.Civ.P. 37 and Local Rule 37.1, Black & Decker Inc., Black & Decker (U.S.) Inc., Delta International Machinery Corp. and Porter-Cable Corporation (collectively "Black & Decker") move to compel Rexon Industrial Corporation, Ltd. ("Rexon") to supplement its written responses to Black & Decker's basic discovery requests served over four months ago. On September 8, 2005, in accordance with LR 37.1(a), Plaintiffs requested that a discovery conference be held on September 12, 2005. Rexon never responded to the request.

The discovery requested consists of fundamental interrogatory responses at the heart of the issues plead in Rexon's Complaint and Black & Decker's Answer and Counterclaims. Without this information, Porter-Cable and Black & Decker are hampered in taking the depositions of Rexon's witnesses, drafting dispositive motions and preparing for trial. Black & Decker has repeatedly requested supplementation from Rexon and has not received any assurance from Rexon that substantive interrogatory responses are forthcoming. Rexon blames having a foreign client as the reason for their lack of discovery cooperation. At this time, however, Black & Decker has no other recourse but to seek the assistance from the Court and requests that the Court compel Rexon to provide substantive supplementation of its interrogatory responses to Black & Decker.

Rexon has had over a year since conducting its pre-filing investigation and in excess of four months since receiving Black & Decker's and Porter-Cable's Interrogatories and still delays in substantively responding due to its "ongoing investigation." In accordance with Fed.R.Civ.P. 37, Black & Decker seeks its costs and fees in bringing this motion and sanctions pursuant to Local Rule 37.1 for Rexon's failure to provide discovery or even respond to Black & Decker's request for a discovery conference.

Respectfully submitted,

/s/ Dina M. Hayes
 Dina M. Hayes
 NIRO, SCAVONE, HALLER & NIRO

Pursuant to LR 37.1(b), the above signed counsel for Plaintiffs certifies that the provisions of the Local Rule 37.1 have been complied with. It has been more than 14 days since Plaintiffs' September 8, 2005 request for a discovery conference and Rexon has not responded to that request.

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2005, I electronically filed the foregoing **PLAINTIFFS' MOTION TO COMPEL SUPPLEMENTAL INTERROGATORY RESPONSES FROM REXON** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

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